



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1802 of 2021

and

C.M.P(MD)Nos.7752 & 7754 of 2021

S.Hakkimullah

... Appellant/Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited (TANSIDCO),
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

2.The Estate Officer / Branch Manager,
Tamil Nadu Small Industries Development
Corporation Limited (TANSIDCO),
SIDCO Industrial Estate,
Ariyamangalam,
Trichy - 620 010.

3.The Estate Officer,
Pudukkottai (SIPCOT) Estate,
Thanjavur Road,
Pudukkottai.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 02.09.2021 made in W.P(MD)No.15042 of 2021 on the file of this Court and allow this appeal.

Prayer in WP(MD). 15042/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI or any other appropriate Writ or order or direction particularly in the nature of writ, calling for the records pertaining to the impugned notice issued by the 3rd respondent in Proc.No.119/A/2020, dated 06.08.2021 and quash the same.

For Appellant : Mrs.J.Anandhavalli
For Respondents : Mr.T.Sakthi Kumaran



JUDGMENT

(Judgment of the Court was delivered by

M. DURAISWAMY, J.)

Challenging the order passed in W.P(MD)No.15042 of 2021 dated 02.09.2021, the Writ petitioner has filed the above Writ Appeal.

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2.The appellant filed the Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the third respondent under Section 5 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, dated 06.08.2021 and to quash the same.

3.The learned Single Judge, by order dated 02.09.2021, non-satisfied with the conduct of the appellant, dismissed the Writ Petition. Challenging the order of the learned Single Judge, the writ petitioner has filed the above Writ Appeal.

4.When the appellant has got alternate remedy by way of an appeal under Section 9 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, as against the impugned notice issued under Section 5 of the Act, dated 06.08.2021, the Writ Petition filed by him challenging the said notice is not maintainable.

5.In such view of the matter, the Writ Appeal is liable to be dismissed. Accordingly, the Writ Appeal is dismissed. However, we give liberty to the appellant to challenge the impugned notice dated 06.08.2021 issued by the third respondent under Section 9 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975. In the event of the appellant filing an appeal under Section 9 of the Act, the appellate authority shall decide the matter on merits and in accordance with law, without being influenced by any of the observations made by the learned Single Judge. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

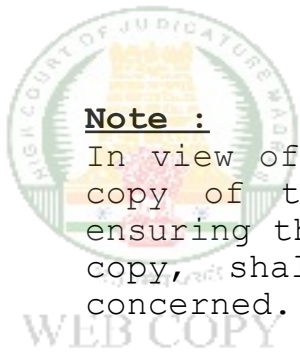
Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Managing Director,
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Pudukkottai (SIPCOT) Estate,
Thanjavur Road,
Pudukkottai.

COPY TO:

The Section Officer,
E.R.Section
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-30071[F]
dated 23/09/2021)

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-30107[F]
dated 23/09/2021)

**W.A(MD)No.1802 of 2021
23.09.2021**

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